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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,685	08/01/2000	MAARTEN MENZO WENTINK	00392/LH	8891

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EXAMINER	
TRAN, THIEN D	

ART UNIT	PAPER NUMBER
2665	8

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/555,685	WENTINK ET AL.	
	Examiner	Art Unit	
	Thien D Tran	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 9 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation "first-named communication connection" is not disclosed in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desimone (U.S Patent No. 6,175,619 B1) in the view of Albert et al (U.S Patent No. 6,636,504 B1).

Regarding claim 1, Desimone discloses a method for establishing a connection suitable for communication in at least one direction between two user terminals 102 and 113 (subscriber stations) in a data network 100 (communication network) having plurality of nodes (routers), col.3 line 59, wherein the method characterized in that

the user terminal 102 (first station) transmits a request for voice connection (first message) to the user terminal 113 (second station) via the data network 100 comprising at least one node, said a request for voice connection containing will pay portion (first payment willingness information), if there is a scenario that both parties sharing the cost of the voice connection, then in which the user terminal 113, in response to the reception of the first message, transmits a request for voice connection (second message) back to the user terminal 102 via the data network 100 comprising at least one node, the request for voice connection (second message) containing will pay portion (second payment willingness information), col.6 lines 10-20, and in that

a sever & call broker in the data network (attached to the router) receiving the request for voice connection (second message) containing will pay portion, (if at least one of the first and the second payment willingness information entities has a predetermined value which is indicative of payment willingness), setup a bandwidth connection for voice via network 130 (reserves at least a part of its communication capacity for direct connection with previous and following stations related to a router in the network 100. See col.7 lines 25-45.

Desimone does not disclose that nodes in the data network 100 are routers, which are arranged in that each router connected to a corresponding previous station or

router and a corresponding next station or router. However, Albert discloses a data network 1348, which are arranged in that each router connected to a corresponding previous router and a corresponding router, figure 9. Therefore, it would have been obvious to one having ordinary skill in the art to have the data network 100 composed by routers arranged in that each router connected to the corresponding previous router and the corresponding next router so that data can be routed between routers from the calling terminal to the called terminal in the data network in an interconnected manor properly.

Regarding claim 8, Desimone discloses method in which node server, suitable for inclusion in a network 100, comprising: at least two communication connections of terminal 102 and 113, means for establishing a connection between said communication connections, a call broker controlling the establishing connections (control unit), coupled to the said communication connections, figure 1, which is arranged for controlling said means, a validation data base (memory) coupled to the control unit, col.5 line 26, characterized in that the control unit, in response to the reception of a will pay portion of the user terminal 102 (first message) at one of said communication connections, is arranged for storing in the said validation data base a data which is representative of the will pay portion (payment willingness information) present in said first message, and for transmitting the first message to a following router via another communication connection, and in that the control unit, in response to the reception of a second message at the said other communication connection, is arranged, if at least one of the data stored in the said validation data base and the will

pay portion (payment willingness information) present in the received second message has a value which is indicative of payment willingness, for reserving at least a part of the capacity of the means for a direct connection between said communication connections, col. 7 lines 25-40.

Desimone does not disclose that nodes in the data network 100 are routers, which are arranged in that each router connected to a corresponding previous router. However, Albert discloses a data network 1348, which are arranged in that each router connected to a corresponding previous router, figure 9. Therefore, it would have been obvious to one having ordinary skill in the art to have the data network 100 composed by routers arranged in that each router connected to the corresponding previous router so that data can be routed between routers from the calling terminal to the called terminal in the data network in an interconnected manor properly.

Regarding claim 2, Desimone discloses method in which a router receiving the second message, if at least one of the first and the second will pay portion (payment willingness information) entities has some or all of the charge (predetermined value indicative of payment willingness), also transmits the second message to the previous router or station related to said router, which is repeated until said second message arrives at the user terminal 102 (first station). See col.6 lines 15-20.

Regarding claims 3, 10, Desimone discloses method in which the user terminal 102 (first station), in response to the reception of the second message, transmits a third message sending PAC to the user terminal 113 via the data network 100. See col.5 lines 55-60.

Regarding claims 4, 11, 12, 13, Desimone discloses method in which the said first

subscriber station is the initiator of the connection to be established and the said user terminal 113 (second station) is the called station, in which the first will pay portion (payment willingness information) has a predetermined first value which is indicative of payment willingness and in which the second will pay portion (payment willingness information) has a second value which is different from said predetermined first value. See col.6 lines 10-20.

Regarding claims 5, 14, 15, 16, Desimone discloses method in which the said user terminal 102 (first station) is initiator of the connection (23) to be established and the said user terminal 113 (second station) is the called station, and in which, in the case of second subscriber pay all the charge (collect call), the second will pay portion (payment willingness information) has a predetermined first value which is indicative all of the charge of payment willingness and the first payment willingness a information has a second value of no charge which is different from said predetermined first value. See col.6 lines 15-20.

Regarding claims 6, 17, 18, 19, Desimone discloses method in which the said user terminal 113 (second station) is the initiator of the connection to be established and the said user terminal 102 (first station) is the called station, in which the second will pay portion (payment willingness information) has a predetermined first value which is indicative of payment willingness and the first will pay portion (payment willingness

information) has a second value which is different from the said predetermined first value. See col.6 lines 15-20.

Regarding claims 7, 20, 21, 22, Desimone discloses method in which the said user terminal 113 (second station) is the initiator for the connection to be established and the said user terminal 102 (first station) is the called station, in which, in the case of "collect call", the first will pay portion (payment willingness information) has a predetermined first value which is indicative of payment willingness and the second will pay portion (payment willingness information) has a second value which is different from said predetermined first value. See col.6 lines 15-20.

Regarding claim 9, Desimone discloses method in which the control unit, in response to the reception of the second message at the said other communication connection, is arranged, if at least one of the data stored in the said validation data base and the will pay portion (payment willingness information) present in the received second message has a value which is indicative of payment willingness, for transmitting the second message via the first-named communication connection to the previous router. See col.6 lines 5-20.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Donovan (US Patent No. 6,366,577 B1) discloses method for providing IP telephony with QoS using end-to-end RSVP signalling.

-Ahoor et al (US Patent No. 6,678,729 B1) discloses method of monitoring the availability of a messaging and VoIP networking.

-Chen et al (US Patent No. 6,487,170 B1) discloses providing admission control and network quality of service with a distributed bandwidth broker.

-Chui (US Patent No. 707,799 B1) discloses dynamic control protocol for frame relay fragmentation in support of real-time applications such as VoIP and VoFR.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran

STEVEN H.D NGUYEN
PRIMARY EXAMINER